

## **REMARKS**

Claims 1–11 and 38–43 are pending after entry of this amendment.

### **Amendments to the Claims**

Claim 1 has been amended to recite that the first and second load platforms are dimensioned and configured to directly support the substrate. Support for this amendment is found, for example, on page 6, ¶ [0025] (“**FIG. 1B** and **FIG. 1C** are partial side cross sections of an embodiment of the apparatus **100** in which the substrate is loaded on the first and second load platforms, respectively.”), and in the drawings in **FIGS. 1B** and **1C**, illustrating a wafer loaded on the first load platform **110** and second load platform **120**, respectively. Applicants submit that this amendment simply clarifies that both the first and second load platforms directly support the substrate. Claim 38 has been similarly amended to recite means for direct support.

Withdrawn claims 12–15, 22–32, and 34–37 have been canceled to expedite prosecution. Applicants reserve the right to present the subject matter of these claims in continuing applications.

Claims 38–43 have *not* been canceled and remain pending.

### **Rejections Under 35 U.S.C. § 102**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1–3, 8, 10, and 11 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2005/0016454 A1 (Kurita). Independent claim 1 recites in part “the first load platform is configured to permit a process gas to contact both the frontside and backside of a substrate loaded on the first load platform.” The Examiner cites upper plate **54** of Kurita as a first load platform. **FIGS. 3** and **4** of Kurita illustrate a perspective view of a load lock **30** comprising an upper plate **54**. Assuming for the sake of argument a substrate loaded on the upper plate **54**, the upper plate **54** does not appear to permit a process gas to contact both the frontside and backside of the substrate as recited in claim 1. Accordingly, Kurita does not disclose this feature of claim 1, and claim 1 is not anticipated by Kurita for at least this reason.

Because claims 2, 3, 8, 10, and 11 are dependent on claim 1 and recite additional features, Kurita also does not disclose every feature of these claims. Consequently, claims 2, 3, 8, 10, and 11 are also not anticipated by Kurita for at least the same reasons.

Claims 1–3 and 8–11 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2002/0166509 A1 (Asakura). Claim 1 recites in part “a first load platform, and a second load platform.” The Examiner characterizes a guide ring body **59** as corresponding to the first load platform, and a stage **36** as corresponding to a second load platform. The guide ring body **59** is part of a guide ring **54**, which also comprises a tapered guide surface **60**. Asakura at ¶ [0034], FIG. 1. The tapered guide surface **60** actually *prevents* a wafer from being loaded on the guide ring **54**, and as such, cannot correspond to a load platform. *See* Asakura at ¶ [0034] (“if there is a positional error of the wafer W, the guide surface **60** corrects the positional error of the wafer W and guides the wafer w to a correct position on the support surface **36A**.”). Because Asakura does not disclose every feature recited in claim 1, claim 1 is not anticipated by Asakura for at least this reason.

Moreover, claim 1 recites “the first and second load platforms are dimensioned and configured to directly support the substrate.” The guide ring **54** and stage **36** are *not* dimensioned and configured to directly support a substrate. Because Asakura also does not disclose this feature, claim 1 is also not anticipated by Asakura for at least this reason.

Claims 2, 3, and 8–11 are dependent on claim 1 and recite additional features. Accordingly, Asakura also does not disclose every feature recited in claims 2, 3, and 8–11, and these claims are not anticipated by Asakura for at least the same reasons as for claim 1.

Claims 1–6, 8, and 10 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,435,798 (Sato). Claim 1 recites in part “the first load platform is fixed relative to the second load platform.” The Examiner refers to substrate supporting members **12** as corresponding to a first load platform and susceptor **2** as corresponding to a second load platform. Referring to FIGS. 1 and 3, the substrate supporting members **12** are not fixed relative to the susceptor **2**. Because Asakura does not disclose every feature recited in claim 1, claim 1 is not anticipated by claim 1 for at least this reason. Because claims 2–6, 8, and 10 are dependent on claim 1 and recite additional features, Asakura also does not anticipate claims 2–6, 8, and 10 for at least the same reason.

Claims 38–43 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,842,690 (Lee). Independent claim 38 recites in part “a first means for directly supporting the substrate during processing.” Applicants submit that this feature falls under the means-plus-function format provided in 35 U.S.C. § 112, sixth paragraph. Examination of claims comprising means-plus-function elements is described in M.P.E.P. 2181–2184. “The ‘broadest reasonable interpretation’ that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.” M.P.E.P. 2181. In particular, “35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language ‘shall be construed to cover the corresponding structure described in the specification and equivalents thereof.’” M.P.E.P. 2181(II).

In rejecting independent claim 38, the Examiner characterizes a clamp **50** as corresponding to “a first means for supporting the substrate during processing.” Applicants submit that the clamp **50** does not correspond to any of the structures described in the specification or equivalents thereof that function as first means for supporting a substrate during processing. One skilled in the art would not understand the clamp **50** as performing the recited function of supporting a substrate. Instead, the clamp **50** forces the wafer **10** against the O-ring **40**. Lee at 1:47–51 (“Thereafter, as shown in FIG. **1B**, the clamp **50** is adapted to be moved down, to press against the edges of the semiconductor wafer **10** and to establish a tight contact at a predetermined pressure between the semiconductor wafer **10** and the O-ring **40**.”). Lee does not disclose every feature recited in claim 38, and accordingly, claim 38 is not anticipated by Lee for at least these reasons. Because claims 39–43 are dependent on claim 38 and recite additional features, claims 39–43 are not anticipated by Lee for at least the same reasons.

#### **Claim Rejections Under 35 U.S.C. § 103**

A *prima facie* rejection for obviousness requires: (1) a disclosure or suggestion of every element of the claim in the cited reference or references; (2) a suggestion or motivation to modify or combine the references; and (3) a reasonable expectation of success. The suggestion to combine and the reasonable expectation of success must be found in the prior art or known to one skilled in the art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Satoh. Claim 7 is dependent on claim 1. For the reasons discussed above, Satoh does not disclose every feature of claim 1. Accordingly, claim 7 is not obvious over Satoh for at least the same reasons.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kurita or Asakura. Claim 4 is dependent on claim 1. Because neither Kurita nor Asakura discloses every feature recited in claim 1 for the reasons provided above, claim 4 is not obvious over Kurita or Asakura for at least the same reasons.

Applicants submit that all of the pending claims are allowable over the references of record for at least the reasons provided above. Applicants have presented reasons sufficient for overcoming the rejections, and as such, have not presented every possible ground for allowability over the cited references. As such, Applicants do not acquiesce to any of the Examiner's characterizations and/or statements not specifically traversed. If the Examiner believes that any outstanding issue remain that are resolvable in an Examiner's Amendment, the Examiner is invited to contact the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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